

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 508/SIC/2010

Mr. Domnic D'Souza,
H. No. 315/4, Tropa Vaddo,
Sodiem,
Siolim –Goa.

....

Complainant.

V/s

Public Information Officer,
Superintendent of Police,
Porvorim –Goa.

....

Opponent.

Smt. Joana Mascarenhas e D'souza, representative of the Complainant.
Shri Rama Naik, representative of the Opponent alongwith Adv. N. Dias.

O R D E R

(08.02.2011)

1. The Complainant, Shri Domnic D'Souza, has filed the present Complaint praying that thorough enquiry be conducted including inspection of all sites to which the request for information pertains in order to ascertain the information which the Public Information Officer – Opponent has concealed in a malafide manner; that the documents and records be called for from the Public Information Officer for the purpose of inquiry; that disciplinary action be taken against the Public Information Officer under the Service Rules, u/s. 20(2) of the RTI Act for dereliction of duties imposed under the Act.

2. The brief facts leading to the present Complaint are as under:

That the Complainant has filed an application dated 17.05.2010 seeking certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Opponent/Public Information Officer (PIO). That the Opponent vide his reply dated 09.06.2010 furnished the information alongwith arrest details and FIR copy. It is the case of the Complainant that since Raymond Albert Fernandes is the resident of the same ward in which the Complainant resides the Complainant was well aware that there are other cases filed against Mr. Raymond Albert Fernandes. That the wife of the Complainant subsequently filed an application dated 21.06.2010 before

the PIO/Opponent after obtaining the details from the office of the Dy. Collector, Mapusa and got certain information. That the PIO/Opponent furnished information to the Complainant's wife vide letter dated 02.07.2010 giving details of cases. It is further the case of the Complainant that PIO/Opponent has deliberately given incomplete information as if to show there are no more cases filed against Raymond Albert Fernandes and misled/misguided the Complainant who was seeking information on the said Raymond Albert Fernandes. Hence, the present Complaint on various grounds which are set out in the Complaint.

3. The Opponent resists the Complaint and the reply is on record. It is the case of the Opponent that all the information sought by the Complainant has been furnished vide letter dated 09.06.2010 alongwith FIR and arrest details and thereby complied with the provisions of the RTI Act. That the Opponent was in receipt of the application of the Complainant's wife dated 21.06.2010 addressed to the Opponent and that the Opponent furnished the information that was available to the Complainant's wife within the provisions of RTI Act. It is further the case of the Opponent that complete information has been furnished vide their office letter dated 09.06.2010. That the information is neither incomplete nor misleading and that question of misguiding the Complainant does not arise. The Opponent denies specifically the grounds as set out in the Complaint. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments. Smt. Joana Mascarenhas e D'Souza, representative of the Complainant argued on behalf of the Complainant and Adv. N. Dias argued on behalf of the Opponent. Representative of the Complainant referred to the facts of the case as well as the application seeking information. According to her PIO furnished the reply dated 09.06.2010. The referred case refers to the year 1996. That the Complainant knows that there were other cases and that three NC cases were registered. According to her information is incomplete, misleading and false.

During the course of his arguments Ld. Adv. Shri N. Dias referred to the facts of the case particularly the application and also the reply given. According to him all information has been furnished and the information furnished is true, correct and which was available in the office of the Opponent. According to him the question of misguiding and giving misleading information does not arise. He next submits that the reply given is well within time thereby complying the provisions of the RTI Act.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parities. The point that arises for my consideration is whether the information is furnished and if the same is within time. It is seen that the Applicant vide application dated 17.05.2010 sought certain information from the Opponent. By reply dated 09.06.2010 the Opponent furnished the information. The fact that information is furnished is not disputed by the Complainant. The Complainant's only grievance is that the information that is given is incomplete and misleading.

6. Now it is to be seen whether the information is in time. The application is dated 17.05.2010 and the reply is 09.06.2010. Considering this application is well within time.

7. It is contended by the representative of the Complainant that information furnished is incomplete, incorrect, false and misleading. This is disputed by the Advocate for Respondent No. 1. According to him information furnished is correct.

It is to be noted that purpose of the RTI Act is per se to furnish information. Of course Complainant has a right to establish that information furnished to him is false, incorrect, misleading, etc. But the Complainant has to prove it to counter Opponent's claim. The information seeker must feel that he got true and correct information otherwise purpose of RTI Act would be defeated. It is pertinent to note that mandate of RTI Act is to provide information – information correct to the core and it is for the Complainant to establish that what he has received is incorrect and

incomplete. The approach of the Commission is to attenuate the area of secrecy as much as possible. With this view in mind, I am of the opinion that Complainant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect, misleading, etc. as provided in section 18(1) (e) of the RTI Act.

8. In view of the above, no intervention of this Commission is required as information is already furnished. The Complainant should be given an opportunity to prove that the information is incomplete, incorrect, misleading, etc. Hence, I pass the following Order:

ORDER

No intervention of this Commission is required as information is furnished.

The Complainant to prove that information furnished is false, incomplete, incorrect, misleading, etc.

Further enquiry is posted on 07.03.2011 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08th day of February, 2011.

Sd/-
(M. S. Keny)
State Information Commission

